93-193

SUPPLEMENTAL BRIEF

The Petitioner desires to file a supplemental brief herein. Because of that which Petitioner believes may be implicit in the decision of respondent not to file a responsive brief, Petitioner does feel duty bound to address this issue and begs permission of the Court to do so:

1. Investigation by the Attorney General of the United States into the matters which are the subject of the within appeal is being sought, as is the request for the appointment of independent counsel, to proceed with said investigation and/or prosecution which may be in the offing. (See Petitioner's complaint to the Attorney General of the United States, The Honorable Janet Reno, dated August 25, 1993, [The exhibits referred to have been filed with the Court.], and the cover letter thereon of Attorney Ben H. Ervin, a member of the Florida Bar, of even date, with attachment,

"Tape Transcript",[1] lodged separately.) The contents of Petitioner's Complaint and the communication of Attorney, Ben H. Ervin, are matters of which the U. S. Attorney is aware and which Petitioner believes the U. S. Attorney seeks to avoid addressing.

2. Petitioner is advised and believes that the failure of Respondent to file a brief in opposition pursuant to Rule 15 of the Rules of the Supreme Court is not a mere tactical "call" on the part of the government but is a calculated act designed to mislead the Court by the concealment of violations by members of the judiciary and the United States Attorneys Office of

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[1] The transcript alluded to was made from a secretly recorded conversation had October 14, 1984, (three [3] days before Petitioner was arrested on the within charges upon which he was convicted), at a meeting had at the home of a former U. S. Attorney, Petitioner's arch political enemy, which former U.S. Attorney, a state trooper, a former county sheriff and a convicted felon, conspired to frame the Petitioner. The tape recording was kept hidden in the closet of the state

Petitioner's valuable constitutional rights...violations which may, if admitted, inculpate said officials. The Petitioner believes the failure to respond is a veiled invocation of the 5th Amendment by government prosecutors.

3. .1 of Rule 15 of said Rules of the Supreme Court provides:

> "A brief in opposition to a petition for a writ of certiorari serves an important purpose in assisting the Court in the exercise of its discretionary jurisdiction."
>
> "[t]he brief in opposition should address any perceived misstatements of fact or law..."
>
> "Counsel are admonished that they have an obligation to the Court to point out any perceived misstatements in the brief in opposition and not later."
>
> "Any defect of this sort.... may be deemed waived if not called to the

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trooper's home for nearly one (1) year after Petitioner's arrest and has never been introduced as evidence because of the close affiliations of Petitioner's trial counsel with the U. S. Attorneys of the Southern District of West Virginia and the conflicts of interest described in the Petition For Certiorari.

attention of the Court by the respondent in the brief in opposition."

4. In Petitioner's Petition for Writ of Certiorari serious charges are presented, one of which is that federal officers may have committee criminal misconduct in the violation of Title 18 U.S.C. §208(a) and numerous ethics violations, charges which are not to be ignored. The petition charges:

(1) "[t]he entire judicial staff of the Fourth Circuit Court of Appeals is aware of the fact of Petitioner having been the victim of a trial which was fundamentally unfair and has kept its silence."
(Petition at p. 11)

(2) "The Petitioner was framed by state and federal officials who acted in concert with a convicted felon."
(Petition at p. 12)

(3) "The government and Petitioner's own counsel covered up intolerable conflicts of interests."
(Petition at p. 12)

(4) "The federal prosecutor, Wayne A. Rich, Jr., who prosecuted Petitioner, hired Petitioner's attorney during Petitioner's criminal trial proceedings to file a

$587,896.00 civil action on behalf of Wayne A.Rich,Jr. and his wife. (Petition at p. 16) To date, the government has not addressed these charges."
(Petition at p. 22)

(5) "The Petitioner's retained counsel during Petitioner's criminal trial proceedings entered into plea negotiations with the government's prosecutor, (their own client), and recommended that Petitioner reject a plea bargain found by the Court to exist to the extreme prejudice of Petitioner." (Petition at p. 14)

(6) "Political pressure was brought to bear upon an appellate judge to determine the outcome of Petitioner's proceedings."
(Petition at p. 29)

(7) "The Trial Judge has been aware that Petitioner received an unfair trial and has manipulated to cover up same."
(Petition at p. 35)

(8) "The Chief of the Criminal Division, FAUSA, Wayne A. Rich, Jr., violated a criminal statute,Title 18 U.S.C. §208(a)."
(Petition at 56)

(9) "Petitioner's political enemies conspired to put him away to prevent exposure."
(Petition at pp. 11-12)

For all the foregoing reasons cited,

the Petitioner requests that the Court take notice of the **WAIVER** by the government of its right to file a brief in opposition; that the Court in order to decide the appropriateness of granting the Petitioner's Petition for a Writ of Certiorari, assume as it has the right to assume, (See Rule 15 of Rules of The Supreme Court), that the serious factual allegations and the cited law as set forth in said Petition are correct, undisputed and unopposed by the government; that the Petition for Writ of Certiorari be granted; that notwithstanding the Petitioner is entitled to the Writ of Certiorari, without the necessity of the filing of a brief in opposition by the government, the government should, nevertheless, for reasons which appear obvious, be required to file a brief in opposition addressing the Petitioner's allegations; that based upon the seriousness of Petitioner's

charges, which are not contested, this Honorable Court take such further actions which are deemed just to assure that the misconduct complained of herein be the subject of investigation and appropriate disciplinary actions, which authority is vested with this Court, and should be invoked, for the protection of the integrity of the Judiciary, the United States of America and the Constitutional rights of Petitioner.

Respectfully submitted:

Grover C. Jones, Jr.

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Of Counsel for
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